

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA )  
 )  
 ) Case No. 5:02CR30093  
 )  
 )  
v. ) **ORDER**  
 )  
**DENNIS CARL FISHER, JR.,** ) By: James P. Jones  
 ) United States District Judge  
Defendant. )

For the reasons set forth in the Opinion accompanying this Final Order, it is  
**ORDERED** that the Motion to Dismiss (ECF No. 55) is GRANTED; the  
defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28  
U.S.C.A. § 2255 (ECF No. 46) is DENIED; and the § 2255 proceeding is stricken  
from the active docket of the court. Based upon the court's finding that the  
defendant has not made the requisite showing of denial of a substantial right, a  
certificate of appealability is DENIED.

ENTER: April 1, 2013

/s/ James P. Jones  
United States District Judge